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SUBJECT: DRC-ANGOLA COMMUNIQUE ON DECEMBER 15-17 BINATIONAL
COMMISSION SKIRTS AROUND CONTENTIOUS OIL DISPUTE

REF: (A) LUANDA 784; (B) KINSHASA 1129;
(C) KINSHASA 1096; (D) KINSHASA 1061;
(E) 2008 KINSHASA 316

¶1. (SBU) The DRC-Angola Bilateral Commission met December 15-17 in Luanda. The December 17 joint communique on the meeting refers mostly to migration and economic issues. The Commission agreed, however, to set up an expert working group to discuss maritime boundaries. Regional cooperation minister Raymond Tshibanda, considered one of President Joseph Kabila's most trusted advisors, will undoubtedly brief the president on the Commission's work. Copy of the French version of the communique was forwarded electronically to AF/C and AF/S. Main points in communique are highlighted below.

¶2. (U) How the Commission undertook its work: The Commission decided to carry out its work by dividing into sub-committees on (a) migration and borders; (b) transportation, public works, energy, and telecommunications; (c) petroleum issues and the DRC's debt to Angola; and (d) defense and security. The conclusions of each sub-committee's work were incorporated into the final communique.

¶3. (SBU) Agreement on oil exploration: Article nine of the communique refers to the Agreement on Oil Exploration and Production in the Joint Maritime Zone, which was signed in Luanda on 30 July 2007 and ratified by the GRA and the Parliament of the GDRC. The communique noted that Angola and the DRC held two meetings in Kinshasa on implementation of the oil agreement: a ministerial-level meeting on 23 July 2008 and a technical meeting on 11 March 2009. A third meeting planned to take place in Luanda has not yet been held because of a lack of response from the GDRC, but will occur before the end of the first quarter of 2010 (Comment: Implementation of the oil exploration and production agreement with Angola may take years because the GDRC lacks the technical capacity to comply with its obligations under the agreement. It is also rumored that individual ministers affected by the agreement are delaying the awarding of contracts in order to obtain bribes. End comment).

¶4. (U) Migration and land borders: Article 13 of the communique notes that "mechanisms have been found for dealing with migration issues and re-verification of the demarcation of land and river borders." By mid-2010, Angola and the DRC plan to hold a working group on migration and border issues (ref C).

¶5. (U) Tripartite agreement on repatriation: Agreement Article 15 highlights the necessity of signing a tri-partite agreement between Angola-DRC-UNHCR regarding the voluntary repatriation of Angolan refugees within a two-year period. Both parties agreed that Angola will submit to the DRC for review by 15 January 2010, a draft agreement on migration that will address "protection of both

expelled citizens and those who desire to voluntarily return to their countries."

¶6. (U) Maritime boundaries: The communique states that "special attention" was given to the problem of the delimitation and demarcation of the maritime boundaries between the two countries, specifically with regard to determining how far the continental shelf extends. Both sides agreed to convene a meeting of experts during the first six months of 2010. A date will be set later.

¶7. (U) Next meeting: The tenth session of the Bilateral Commission

Q7. (U) Next meeting: The tenth session of the Bilateral Commission is slated to be held in the DRC during the second half of 2010.

¶8. (SBU) Comment: The tone of the meeting -- held against a background of strained relations over refugees and resources -- suggests that tensions between the two countries may be subsiding. Although little progress appears to have been made in resolving the contentious issue of offshore drilling in an area claimed by both countries, that issue will have to be decided at a much higher pay grade. Regional Cooperation Minister Raymond Tshibanda, a trusted advisor of President Kabila, will brief his boss on what was not said in the communique. End comment.

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